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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Innovativ Media Group, Inc.,
Plaintiff

v.

Michael Beys, Richard De Silva, and FTE
Networks, Inc.,
Defendants

Case No.: 2:22-cv-01362-CDS-VCF

**Stipulation and [Proposed] Order to:
(1) Vacate August 26, 2022, Hearing;
(2) Withdraw Motion for Preliminary
Injunction Without Prejudice**

[ECF Nos. 6, 19]

Plaintiff Innovativ Media Group, Inc., and defendants FTE Networks, Inc., and Richard De Silva, stipulate upon approval of this Court to: vacate the hearing set for 4:00 p.m. on August 26, 2022, and to withdraw Innovativ's motion for preliminary injunction without prejudice for the following reasons:

1. On August 23, 2022, Innovativ filed its complaint in this matter relating to proxy materials issued by FTE and an FTE stockholder meeting set for August 29, 2022.¹

2. Innovativ filed its Emergency Motion for Ex Parte Temporary Restraining Order and Preliminary Injunction on August 25, 2022, to which FTE filed a notice of intent to oppose.²

3. On August 26, 2022, this Court denied the motion for temporary restraining order

¹ ECF No. 1.

² ECF Nos. 15, 18.

1 but set the motion for preliminary injunction for hearing on August 26, 2022, at 4:00 p.m.³

2 4. FTE is cancelling its shareholder meeting set for August 29, 2022, mooted the need
3 for currently pending motions for injunctive relief.

4 5. FTE agrees that any future shareholder meetings will comply with all applicable
5 law, including with respect to notices and proxies.

6 6. FTE has filed a form 8-K announcing that the shareholder meeting scheduled for
7 August 29, 2022 at 9 a.m. EST has been cancelled, which is available on the company's website.

8 7. Given the cancellation of the meeting the parties stipulate and agree that the hearing
9 set for August 26, 2022, at 4:00 p.m. may be vacated and the pending motion for preliminary
10 injunction will be deemed withdrawn, without prejudice.

11 8. The parties agreed to the relief requested.

12 9. This request is made in good faith and not for the purpose of delay.

13 10. Nothing herein shall constitute a waiver of the claims presented in the Complaint in
14 the above-captioned action or any defenses or counterclaims.

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28 ³ ECF No. 19.

Therefore, the parties respectfully request that the hearing set for August 26, 2022, at 4:00 p.m. be vacated and that the motion for preliminary injunction be deemed withdrawn without prejudice.

DATED: AUGUST 26, 2022.

FENNEMORE CRAIG, P.C.

By: /s/ Therese Shanks (with permission)

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DATED: AUGUST 26, 2022.

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DATED: AUGUST 26, 2022.

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By: /s/ Daniel Cereghino (with permission)

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ORDER

Good cause appearing, **IT IS THEREFORE ORDERED**, that the **hearing set for August 26, 2022, at 4:00 p.m., is VACATED.**

IT IS FURTHER ORDERED that Innovativ's **motions for preliminary injunction [ECF Nos. 6 and 15] are DENIED WITHOUT PREJUDICE** as moot.

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

DATED: August 26, 2022

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